

FACTSHEET

TITLE: **MISCELLANEOUS NO. 05018**, a request for "Reasonable Accommodation" under Title 1 of the Lincoln Municipal Code, requested by Developmental Services of Nebraska, Inc., to allow a group home in the R-3 Residential District to locate within the required one-half mile separation from another group home, on property located at 1661 Timber Ridge Road.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/14/05, 09/28/05, 10/12/05 and 10/26/05
Administrative Action: 10/26/05

RECOMMENDATION: **Denial** (7-1: Pearson, Carroll, Krieser, Sunderman, Esseks, Larson and Carlson voting 'yes'; Taylor voting 'no'; Strand absent).

FINDINGS OF FACT:

1. This request for "reasonable accommodation" under Title 1 of the Lincoln Municipal Code would allow four unrelated individuals with developmental disabilities to reside at 1661 Timber Ridge Road, changing the status from "family" to "group home".
2. Approval of this request would waive the zoning requirement that group homes in the R-3 Residential District be separated by one-half mile.
3. The staff recommendation of approval is based upon the "Staff Findings" as set forth on p.2-4, concluding that this request would not create an undue burden on the City or fundamentally obstruct the intent of the zoning code.
4. The applicant's testimony and responses to questions from the Commission are found on p.5-6. (Please also refer to the minutes attached to the Factsheet for Miscellaneous No. 05017 for additional testimony by the applicant as to the services provided by the applicant, the staffing and the training). The record also consists of additional justification information provided by the applicant dated October 24, 2005 (p.13-17).
5. Testimony in opposition is found on p.6-7, and the record consists of a petition in opposition bearing 21 signatures and ten written communications in opposition (p.26-37).
6. Additional information submitted by Commissioner Esseks concerning group home regulations and police reports at the various locations is found on p.18-25.
7. On October 26, 2005, the majority of the Planning Commission found that the applicant had not sufficiently demonstrated the financial and therapeutic necessity and voted 7-1 to recommend **denial** (Taylor dissenting and Strand absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 1, 2005

REVIEWED BY: _____

DATE: November 1, 2005

REFERENCE NUMBER: FS\CC\2005\MISC.05018

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 14, 2005 PLANNING COMMISSION MEETING

PROJECT #: Miscellaneous #05018
Reasonable Accommodation

PROPOSAL: Request for a modification of the zoning requirement that group homes in the R-3 zoning district be separated by 1/2 mile.

ADDRESS: 1661 Timber Ridge Road

CONCLUSION: This request for a reasonable accommodation conforms to the requirements of the Lincoln Municipal Code. The Planning Commission must forward a recommendation to the City Council within 45 days of the date of referral.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Block 1, Timber Ridge 1st Addition, located in the NW1/4 Sec 32 T10N R6E, Lancaster County, NE.

EXISTING LAND USE AND ZONING: Single-Family R-3 Residential

STAFF FINDINGS:

1. Applicant's facility at 1661 Timber Ridge Road currently serves 3 residents with developmental disabilities. Since there are no more than 3 residents, this facility meets the definition of "family" and may be located in any dwelling.
2. LMC §27.03.300 defines a group home as "a facility in which more than three but less than sixteen disabled persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care."
3. The addition of another developmentally disabled resident to this facility would make this a group home under the Zoning Ordinance.
4. LMC §27.15.030 requires group homes in the R-3 district to obtain a conditional use permit, which requires that "the distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1/2 mile," or 2,640 feet.
5. An existing group home is located at 1720 Timber Ridge Road, approximately 157 feet from this property.

6. LMC Chapter 1.28.50 identifies the findings required to approve this request:

(1) Whether the housing which is the subject of the request will be used by an individual or a group of individuals considered disabled or handicapped under the Acts, and that the accommodation requested is necessary to make specific housing available to the individual or group of individuals with a disability or handicap under the Acts.

Applicant asserts they have a client who meets the definition of disabled who will reside at this location, but requires this accommodation to do so.

Applicant serves persons with developmental disabilities, and the existence of a group home within ½ mile of this facility would preclude this from becoming a group home under the zoning ordinance. A reasonable accommodation is necessary to house an additional person here.

(2) Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit, or if alternative accommodations would be suitable based on the circumstances of this particular case.

Applicant asserts the only alternative to housing an additional resident in this location is to purchase or rent another dwelling somewhere within the city, and the cost to do so outweighs the benefit to their client.

There are two potential reasonable accommodations that would allow an additional person to be housed in this facility. One is a request to allow another resident. The other is to request that the spacing standard be modified.

(3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.

Applicant has not asserted that granting this request will not impose an undue financial or administrative burden on the City.

The spacing standard minimizes the concentration of group home facilities within an area. Even so, facilities with 3 residents may be located in any number of dwellings within the same area. Allowing one of those 3-resident facilities to have one additional person would not create an undue financial or administrative burden on the City. By contrast, modifying spacing standards on a case-by-case basis would impose an administrative burden on the City by creating a large number of spacing standards to enforce

(4) If applicable, whether the requested reasonable accommodation would be consistent with the Comprehensive Plan land use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent of the zoning district in which the use is located.

Applicant has not asserted that their request is consistent with either the Comprehensive Plan or Zoning Ordinance.

In a given group home radius, there can only be one group home with up to 15 residents, and any number of facilities with 3 or fewer residents. Allowing one 3-resident facility within that

area to have 4 residents would still comply with the Comprehensive Plan land use designation and with the general purpose and intent of the zoning ordinance.

7. Recent changes to LMC Chapter 1.28 requiring additional supporting information be provided with the application were not in effect at the time this application was filed. This additional information has been requested, but had not been received at the time of this report.
8. The Lincoln Police Department reviewed this application in conjunction with the other three requests, and points out that 1661 Timber Ridge Road had 10 calls for assistance since January 7, 2002. All four addresses combine for 58 calls in that time, ranging from parking calls to check welfare calls to attempted rape. Although in the past year the calls for service have decreased, the Lincoln Police Department would like to see a longer period of time pass before additional clients are added to these particular addresses. The Lincoln Police Department realizes that calls for service at Developmental Services of Nebraska residences will likely never be totally eliminated, but denying these requests at this time would allow Developmental Services of Nebraska to demonstrate that they have successfully dealt with the staffing and client issues that resulted in the previously mentioned calls for service.

However the number of service calls to this address is less than the number reported for the previous reasonable accommodation request, which was approved by the City Council.

9. This application was referred to the Planning Department on August 10, 2005. A recommendation to the City Council is due on or before September 24, 2005.
10. Applicant's written request for reasonable accommodation is attached.

Prepared by

Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.us
Planner

Date: September 1, 2005

Applicant and Contact: Scott LeFevre
Developmental Services of Nebraska, Inc.
2610 West "M" Court
Lincoln, NE 68522
435.2800

MISCELLANEOUS NO. 05018

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 26, 2005

Members present: Pearson, Carroll, Krieser, Sunderman, Taylor, Esseks, Larson and Carlson; Strand absent.

Staff recommendation: Approval

Ex Parte Communications: None.

Additional information submitted for the record: The same e-mail submitted on Miscellaneous No. 05017 from Dick Esseks to the Planning Commission concerning police calls at the specific addresses requesting "reasonable accommodation" also applies to this application.

Greg Czaplewski of Planning staff explained that this request is to go from three to four residents. The staff recommendation is to approve four residents only, not 15.

Proponents

1. Scott LeFevre appeared on behalf of the applicant, **Developmental Services of Nebraska** (hereinafter DSN). This location is down the street from another group home with four individuals. The request is to house four individuals in this home. Besides the economic benefit, there is a therapeutic component. If staff ratio is increased, more support is provided. There are recreational benefits. It works better to have two staff people. If people with like needs reside in the same location, the staff can be more specific.

Esseks inquired about other facilities within a two-block radius. LeFevre replied there are two. Esseks noted the density in this neighborhood is lower.

Larson wondered which home is currently a group home on Timber Ridge. LeFevre replied that 1720 Timber Ridge is a group home.

Larson inquired why DSN cannot come back every year and ask for another group home. LeFevre finds this question very similar to asking, "what if an African American person is allowed to move in more and more every year." He would like someone to present evidence. Everyone testifying has been anecdotal.

Pearson would like to know if another staff person would be added if another resident is added. LeFevre stated that each person comes with requirements for a certain number of staff hours. It is therapeutically beneficial if people with the same needs can live in the same setting.

Pearson wondered if it is therapeutically beneficial each time you add one person. Is the change from three to four the critical break to add more staff or is it every person? LeFevre replied it is therapeutically and financially beneficial if they are able to have people with like needs residing together instead of having another location and incurring the costs involved.

Carroll questioned how often the residents change. LeFevre noted that individuals in the program choose their services. It is not often that they have a turnover. He believes the residents have been at this location for two years.

Carroll questioned if the economics for this house were provided, would it show the need for another person? LeFevre can provide staffing regulations and economic breakdown on what it costs for care.

Esseks thinks the precedent that could be set is potentially so big that we need a strong justification for what is being done. There is a civic responsibility. We have established a way for DSN to establish what may be necessary in the future. We are on the brink of something more momentous and he believes the Commission needs more documentation.

Taylor noted that some issues have been addressed in the community. It might be a good idea for the Commissioners to meet on-site and see what is being talked about. He would like to see a deferral. This is an emotional issue. There is a fear of things we don't understand. There are zoning issues.

LeFevre noted that DSN also has programs other than for the developmentally disabled. They also serve at risk youth with enhanced treatment group homes.

Carlson inquired as to how many different classifications of people there are to put people of like minded disabilities together. LeFevre replied that there is no classification. It depends on the diagnosis. Say there is a deaf person who can go in a home with other deaf people. It saves on having one staff person for all instead of one for each person.

Carlson understands there is a benefit to putting certain people together. He wanted to know how many types of homes there are. LeFevre noted that some diagnoses have similar characteristics or needs. There is a multitude of classifications.

Carlson understands overall that the ratio of staff to client does not increase. Each person has individual needs that they bring with them. LeFevre once again noted that HHS calculates its economics on four individuals per home.

Opposition

1. Stephanie Siemsen, 1700 Timber Ridge Road, testified in opposition. She moved into the neighborhood six years ago. 1720 Timber Ridge Road is a group home and there have been occasional disturbances. She is concerned with having two group homes in such a close span. There have been two missing persons from the one group home in the past year. She does not want the missing individuals to end up in her home or school. She has had persons from the group home come up to her house, into her garage, and approach her children. She doesn't know how these people can be controlled if the ones that are there know they cannot be controlled. She is not aware of a community liaison. She is on the board of the Timber Ridge Homeowners Association and she has never been contacted by anyone. The people she has talked to have not been very

supportive. She submitted a petition of signatures against this group home. She doesn't have a problem with one home for the developmentally disabled, but she does have a problem with too many too close together.

2. Jodi Zmiewski, 1700 SW. 33rd Street, testified in opposition. She presently serves on the Timber Ridge Homeowners Association. She does not have an issue with having a group home in the neighborhood, but she does have an issue with there being two group homes two blocks apart. She questions what DSN does and doesn't do. DSN attempts to portray these people as normal people with disabilities, but she disagrees. They are special people with special needs. By their own admission, DSN is servicing some of the most behaviorally challenged people. She is concerned that this action will allow them to put in more and more group homes. One advantage of this neighborhood is affordable housing. As they began to experience problems in their neighborhood, the Lincoln Police Department became overwhelmed with the situation. They began to notice a slower response time. The neighborhood then felt the need to talk to DSN and they met and established a plan; however, DSN did not make contact with the homeowners association when they sought this request.

3. Rose Linnertz, 1731 Timber Ridge Road, testified in opposition. She has been in her home less than one year. She is concerned that a precedent is being set. Who's to say a third and fourth group home can't be put in her neighborhood? She is personally concerned with her safety. She does not know the status of the people living in this group home. She believes more research needs to be done on these issues. She wonders how many residents can be put in this home. Can they come back and ask for five? She is concerned with the poor management. She knows there are other residents in her neighborhood that would have liked to attend this meeting to express their concern.

4. Mike Morosin, past president of the Malone Neighborhood Association, expressed concern about this location. A precedent is being set. This is a dynamic change. We want to make sure the staffing is in place.

Response by the Applicant

LeFevre confirmed that this is a request to add only one more person to this specific location. Mr. Kanter attended the neighborhood association meeting. To his knowledge, there have not been any specific incidents. A missing person report is governed by the individual program plan. These are not lock down facilities. If someone elopes, one staff person leaves to go find the person who left and one is left at the home. Depending on the person and their disabilities and how long they are gone, sometimes the police are called.

Colby Coash, 829 Mary Court, testified that he works with training and staff development for DSN. He trains employees on the aspects of their jobs. From a development standpoint, the perception people have of people with disabilities is very different. He is here to answer questions the Commissioners may have on staff development. He has heard people say there is risk in setting precedent. He also sees great potential. Lincoln has the ability to say that people with disabilities can choose to live where they want to live.

Esseks moved deferral for 4 weeks, seconded by Larson.

Rick Peo of the City Law Department advised that the City only has 45 days to act on the application unless it is the applicant's request to defer.

Esseks withdrew his motion.

Sunderman moved denial, seconded by Pearson.

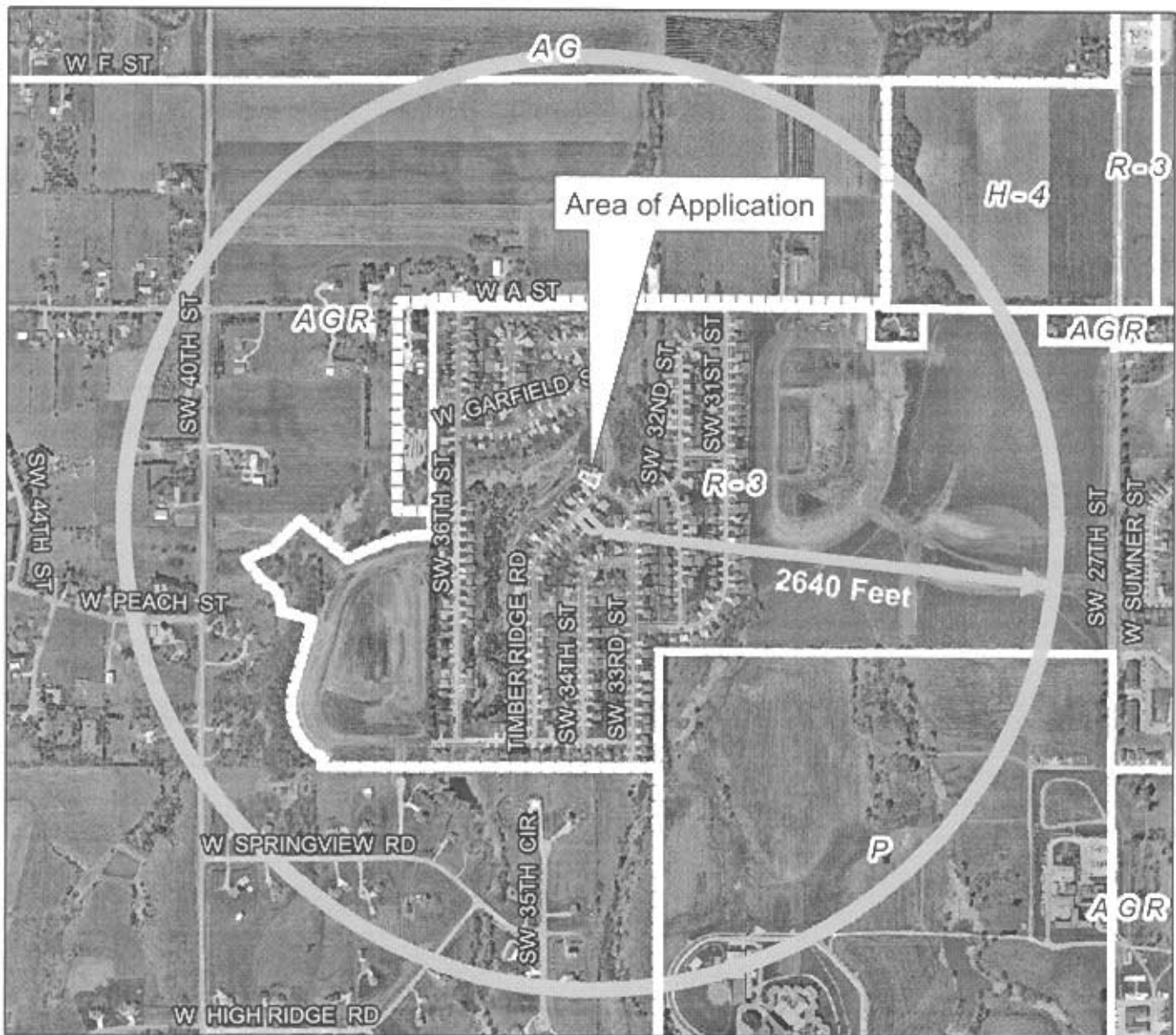
Sunderman agreed that this is an emotional issue.

Taylor commented that he appreciates the very articulate points from the applicant. People don't understand things that are different. Calling these people violent offends him.

Larson will vote for denial, but he stressed that his vote to deny is nothing against DSN or its customers. He is just not comfortable voting for approval.

Carlson pointed out that developmentally disabled citizens are still citizens of the community. Three unrelated persons can live anywhere in this community that they choose. They are also afforded special consideration. They can live in a group home if they meet certain considerations. They are equally important members of this community. He believes that the determination today is being made on the thresholds and triggers in the zoning standard. It appears that this is the beginning of putting like needs together, but it is not clear to him that it is economically necessary to add a fourth person at this location.

Motion for denial carried 7-1: Pearson, Carroll, Krieser, Sunderman, Esseks, Larson and Carlson voting 'yes'; Taylor voting 'no'; Strand absent. This is a recommendation to the City Council.



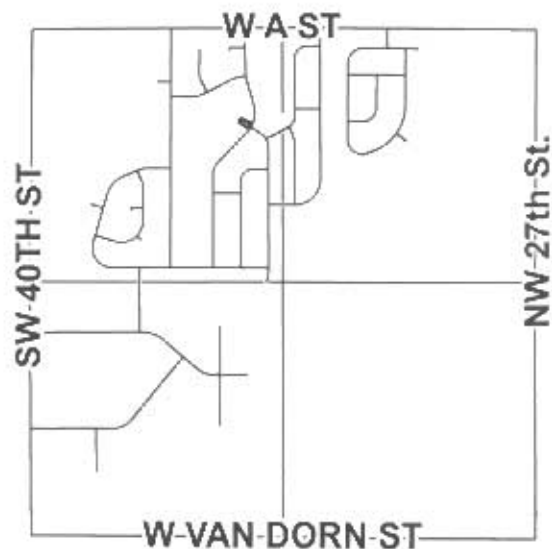
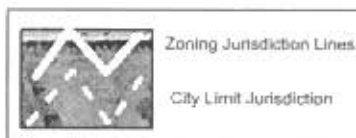
2005 aerial

Miscellaneous #05018 1661 Timber Ridge Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 32 T10N R6E



009

MISC 05018

**Request for Reasonable Accommodation Pursuant to
Lincoln Municipal Ordinance No. 18536**

Applicant: Developmental Services of Nebraska, Inc. ("DSN")

Address: 1661 Timber Ridge Road

Current Use: Community based residential home for persons with developmental disabilities

Basis: DSN is providing community based residential housing for persons with developmental disabilities. The residents of the home are persons with disabilities under the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.* ("FHA"), the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq.* ("ADA"), and the Rehabilitation Act of 1973, 29 U.S.C. § 794, *et seq.* ("Section 504").

Law: DSN is requesting a reasonable accommodation from Code § 27.11.030(b)(2), which prohibits DSN from operating its home because there is another "group home" as that term is defined by the Lincoln Municipal Code within one-half mile measured from lot line to lot line.

Reason: DSN seeks to increase the number of persons with developmental disabilities it is currently serving at 1661 Timber Ridge Road from 3 to 4. Section 27.11.030(b)(2) of the Lincoln Municipal Code currently prohibits DSN from operating a group home for four or more persons with developmental disabilities at 1661 Timber Ridge Road. The requested accommodation is financially and therapeutically necessary.

Financially, each of the residents of the home is allotted a minimal amount of funds to provide for their housing, food, and other daily expenses. Therefore, unlike many persons without disabilities, they have no choice but to live in a community residential setting like that offered by DSN. Moreover, by housing four persons in this home rather than 3, DSN is able to more effectively use these limited funds to provide a higher level of assistance to the residents and thus improve the skills the residents need to function in society and to lead a life as normalized as possible. The alternative to adding one more person to this home is locating and renting another home for the persons waiting for the community based residential treatment provided by DSN. Because the costs associated with locating, renting, furnishing, paying security deposits, utilities, etc. far outweigh permitting the addition of one more person to this home we feel that it is a reasonable request. Furthermore DSN would be unable to serve as many persons with



disabilities. Consequently, such persons will be unable to leave the institutional setting in which they currently reside and receive substandard treatment.

Therapeutically, community based residential treatment allows persons with developmental disabilities, mental illness and behavioral challenges to gain the skills, knowledge and experience to increasingly use and benefit from the resources and settings available to all citizens in our community. These persons are best served in a residential setting and the only way to provide this service is for such persons to live in a group home. In DSN's absence, those currently in services would be placed in institutions or detention settings which are not able to address the underlying cause of their maladaptive behavior – their disabilities. Although often the individual's behavior improves in detention, maladaptive behavior quickly resurfaces after the individual has been placed back into the community. DSN also must serve persons with similar disabilities in this home. Receiving community based residential treatment with persons with similar disabilities increases the residents chances of successfully improving the skills necessary to function in society and to lead a life as normalized as possible. With the addition of another person to this location we are able to provide more staffing which is therapeutically beneficial to everyone in the environment. This leads to better outcomes for those in services.

Finally, it is important to note that requiring DSN to show that there is no other location in the City in which it could operate its home is not a proper inquiry under the federal laws prohibiting disability discrimination. Indeed, the federal Fair Housing Act requires the City to grant DSN the requested accommodation if it "may be necessary" to live in a home of its choice. The court in *United States v. City of Chicago Heights*, 161 F.Supp.2d 819, 836 (N.D. Ill. 2001), explained:

No court has ever placed the burden on a group home to show that its desired location is necessary or somehow unique in its ability to ameliorate the effects of its residents' disabilities. Rather, courts have interpreted the FHAA to require a showing that the requested accommodation is *one way* of ameliorating the effects of the disabilities. See, e.g., *Oconomowoc Residential Programs, Inc. v. City of Greenfield*, 23 F.Supp.2d 941, 958 E.D.Wis. 1998) ("[T]he CBRF is one mode of ameliorating [plaintiff's residents'] inability to live independently"). If the City's interpretation of the reasonable accommodation test

[that the group home must prove there is no other area in the City in which it could operate] were the rule, it is doubtful that any group home ever could prevail on a FHAA claim, because there will always be some other parcel of property upon which a comparable residence could be established.

There is no alternative reasonable accommodation that would provide an equivalent level of benefit of which DSN is aware.

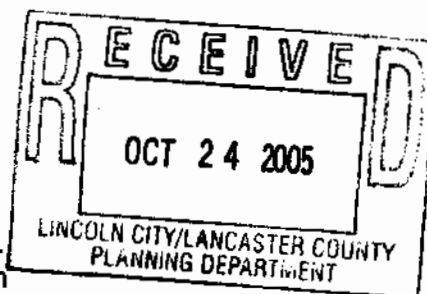
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October 24, 2005

VIA ELECTRONIC AND FIRST CLASS MAIL

Rick Peo
Chief Assistant City Attorney
City of Lincoln
575 South 10th Street
Suite 4201
Lincoln, NE 68508

Re: Developmental Services of Nebraska, Inc.
Requests for Reasonable Accommodation



Dear Rick:

This letter sets forth the basis for Developmental Services of Nebraska, Inc.'s ("DSN") reasonable accommodation request.¹ DSN is requesting an accommodation from the separation requirement imposed upon "group homes" for persons with disabilities by the Lincoln Municipal Code ("Code"). The separation requirement currently limits DSN's ability to serve more than three residents with disabilities in its homes located at 424 N. Coddington Avenue, 416 N. Coddington Avenue, 1661 Timber Ridge Road, and 5516 Hunts Drive ("DSN Homes"). DSN requests a reasonable accommodation from the separation requirement by allowing it to add one resident to each of these homes for a total of four residents with disabilities in each home. DSN has already received a reasonable accommodation from the state fire marshal to operate these homes with four residents, so it needs only approval from the City to add one resident to each home.

Under the Fair Housing Amendments Act, 42 U.S.C. § 3601, *et seq.*, the Americans With Disabilities Act, 42 U.S.C. §12131, *et seq.*, and, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, *et seq.* (collectively referred to hereafter as the "FHA"), the City must grant a requested accommodation to a group home for persons with disabilities if the accommodation "may be necessary to afford such person[s] equal opportunity to use and enjoy a dwelling," unless the requested accommodation imposes an undue financial or administrative burden or fundamentally

¹ DSN requests that you forward this letter to the Lincoln Planning Commission and Planning Department.

alters the program that the City seeks to administer. See e.g., *Oconomowoc Residential Programs v. City of Milwaukee*, 300 F.3d 775, 784 (7th Cir. 2002). There is no evidence of which we are aware the requested accommodation would impose an undue burden or fundamentally alter any program that it seeks to administer. Consequently, the only remaining question is whether the accommodation "may be necessary" to afford the residents DSN serves an equal opportunity to use and enjoy the particular dwelling at issue.

Importantly, courts have universally recognized that accommodations in zoning restrictions are often necessary to provide persons with disabilities with housing opportunities that are equal to those enjoyed by persons without disabilities. The persons with disabilities whom DSN serves have conditions which interfere with their ability to care for themselves and they need assistance with daily living. These individuals "have little choice but to live in a . . . [group] home if they desire to live in a residential neighborhood." *Smith & Lee Assocs., Inc. v. City of Taylor*, 13 F.3d 920, 931 (6th Cir. 1993). Indeed, without group homes, many of these individuals have no alternative but to live in large institutions. Individuals who do not have disabilities, by contrast, can generally care for themselves and thus are less likely to need group living arrangements in order to reside in single-family neighborhoods. Zoning restrictions that limit the number of unrelated persons in a dwelling or that impose spacing requirements on group homes effectively preclude group homes from operating in single-family zones.

Courts have held that requests similar to the request made DSN in this case are reasonable. In *Dr. Gertrude A. Barber Center, Inc. v. Peters Township*, 273 F.Supp.2d 643 (W.D. Pa. 2003), the plaintiff was a "charitable, non-profit corporation, which provides residential and habilitative services to persons with mental retardation." The zoning ordinances of the municipality limited the occupancy of single-family homes to no more than 3 unrelated persons. The plaintiff sought a reasonable accommodation to operate a home in a single-family neighborhood with four persons with disabilities. The court held that the accommodation was necessary because of the therapeutic benefits of providing community based residential treatment to the persons the group home served.

We also conclude that the Barber Center has established that the requested accommodation is necessary, through the undisputed evidence of functional gains experienced by persons with disabilities through residence in the community Necessity can be demonstrated through evidence that placement in small neighborhood-based homes serves a therapeutic purpose

[T]he equal opportunity at stake in this case is the opportunity for four persons with mental retardation to live in the single-family neighborhood of their choice on the same basis as others. The accommodation requested by the Barber Center is specifically aimed at effectuating the right of the Barber Center's Fawn Valley Drive residents to maintain their community living arrangement . . .

We conclude that the accommodation requested by the Barber Center was necessary to provide the residents of the Fawn Valley Drive home with an equal opportunity to enjoy the single-family dwelling of their choice.

Id. at 653 (citations omitted). Because the persons with disabilities served by DSN must live in a group home, the accommodation requested by DSN is arguably per se reasonable. However, as set forth below, DSN has additional therapeutic reasons for the requested accommodation.

One specific therapeutic need for the accommodation for the DSN Homes is the increased staffing the homes will receive by adding a resident to each home. DSN is reimbursed by the Nebraska Department of Health and Human Services for the number of intervention hours for each of the residents in the DSN Homes. Adding one resident to each home will increase the intervention hours, which allows DSN to provide a higher level of service to all residents in the homes.

Another therapeutic benefit that will result from this accommodation is that DSN may add a resident with a disability similar to the other residents of the homes. If all of the persons in the home have similar impairments, DSN may use the same prosthetic devices and the same level of environmental changes (e.g. level of safety and security) to serve all of the residents. Moreover, the staff of the homes receives training specifically tailored to understand and effectively address the needs of specific impairments. By adding a resident to each home who has an impairment similar to the other residents, the staff do not need different training and do not need to divide their skills among varying impairments. Thus, the staff may address more effectively the needs of the residents. The only option for DSN, if it is unable to add another resident to these homes, is to open another home in the City and hope that it receives sufficient referrals to have three persons with similar impairments to move into the home. Moreover, opening another home results in added costs to DSN, taking away from the resources it uses to provide heightened level of service or providing additional services to the growing number of persons who need community based residential treatment.

Finally, DSN is facing an increasing demand for its services. As DSN has previously informed the City, the landscape of providing community-based residential

Rick Peo
October 24, 2005
Page 4

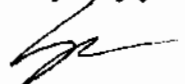
treatment in the City of Lincoln and State of Nebraska to the population DSN serves has drastically changed with the passage of LB 1083 which requires the closing of the Hastings and Norfolk Regional Centers. DSN is facing increasing referrals from HHS to place individuals currently in these institutions into community-based residential treatment settings. We also again refer you to the study conducted by the Lewin Group on behalf of HHS highlighting Nebraska's plan to deinstitutionalize persons with mental disabilities.

Many of the concerns posed by residents through emails to the City Planning Department stem from a misunderstanding of the reasonable accommodation process of the FHA. Most of the concerns expressed in these emails are based on discriminatory views of those with disabilities and have nothing to do with concerns about the proper zoning or use of the property in question. The email from Marilyn Oborny, for example, claims that one of the two residences on the 400 block of N. Coddington "was the home of one man who stabbed a neighborhood child not long ago." Another email from Jill Shandera claims that she opposes the zoning change because of her concern for "the safety of the other residents in the neighborhood" and claims that "group homes should not be allowed to reside in townhouses as they share common walls with their neighbors." The email from Stephanie Siemsen regarding the home on Timber Ridge Road claims that "two group homes within a block of one another is of great concern because they are interacting with one another." In another email regarding the Timber Ridge Road home, Gayla Martin states "we live in a family neighborhood, not a commercial area." The email from Karen Ware concerning the home on Hunts Drive states that "the neighbors did not bargain for this when they spent their hard-earned money to build their dream homes in this neighborhood." These concerns are misdirected. "[T]he FHAA responded to a recognized prejudice against those with physical disabilities and illness and against '[p]eople with mental retardation [who] have been excluded because of stereotypes about their capacity to live safely and independently.'" *Groome Resources Ltd., L.L.C. v. Parish of Jefferson*, 234 F.3d 192 (5th Cir. 2000) (citations omitted).

Rick Peo
October 24, 2005
Page 5

We trust that this letter sufficiently explains the basis on which DSN seeks a reasonable accommodation from the separation requirement imposed upon "group homes" for the DSN Homes. If you have any additional questions, please do not hesitate to contact me.

Very truly yours,



Scott P. Moore
FOR THE FIRM

Enclosures

cc: Scott LeFevre

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017

ITEM NO. 4.2: MISCELLANEOUS NO. 05017
MISCELLANEOUS NO. 05018
MISCELLANEOUS NO. 05019
MISCELLANEOUS NO. 05020

(p.145 - Cont'd Public Hearing - 10/26/05)



"J. Dixon Esseks"
<jesseks@msn.com>
10/24/2005 10:07 PM

To "Jean Walker" <JWalker@ci.lincoln.ne.us>
cc
bcc

Subject Summary of a conversation

History: This message has been forwarded.

Jean,

I had some questions about the management of group homes for developmentally disabled residents. So today, I asked the questions during a phone conversation with the professional staff person of the Nebraska Department of Health and Human Services who is responsible for licensure issues for such homes.

Attached is a summary of her answers.

A colleague of hers gave me 9 copies of the *Regulations and Standards Governing Centers for the Developmentally Disabled*. I'll take them to the meeting on Wednesday.



Dick ReasonableAccomdErickson.doc

Summary of Phone Conversation with JoAnn Erickson, Nebraska Department of Health and Human Services, October 24, 2005

1. **Licensing of facilities for the developmentally disabled:** If four developmentally disabled clients live in any one home, the facility must be licensed by her Department.
2. **Staffing of the home:** The minimal staff requirements described on p. 21 of the *Regulations and Standards Governing Centers for the Developmentally Disabled* will prevail.

"005.01D1. For units including either children under the age of 6 years, severely and profoundly retarded, severely physically handicapped; or residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic-like behavior, or other residents who require considerable adult guidance and supervision, the staff-resident ratios shall be not less than:

Morning – 1:4
Afternoon and evening – 1:4
Overnight – 1:8

"005.01D2: For units serving residents requiring training in basic independent living skills and who do not attend vocational training programs, but may attend prevocational training programs, the staff-resident ratios shall not be less than:

Morning – 1:4
Afternoon and evening – 1:8
Overnight – 1:10

"005.01D3: For units serving residents in vocational training programs and adults who work in sheltered employment situations, the staff-resident ratios shall not be less than:

Morning – 1:4
Afternoon and evening – 1:8
Overnight – 1:10"

Ms. Erickson said that, even if the total clients are no more than four, it would still be required that one staff person be present during afternoon, evening, and overnight hours. However, at night that person may be permitted to sleep rather than be awake.

The numbers of staff during any of these time periods might be more than the minimum. The total number is determined by the needs of the clients.

3. **What neighbors may do** if they believe that there are health or safety issues concerning a group home: They should call:

- 1 JoAnn Erickson at the Nebraska Department of Health and Human Services = 471-3484 or
- 2 her colleague, Cheryl Mitchell = 471-4975

The home may be inspected, and in case of serious violations its license may be suspended.

4. **Neighbors may call also if they believe that the property of the group home is being poorly maintained,** such as if a broken window remains unfixed for some time or trash has accumulated over some time.

Submitted by Dick Esseks

(p.145 - Cont'd Public Hearing - 10/26/05)
ITEM NO. 4.2, 4.3, 4.4, 4.5: MISCELLANEOUS NO. 05017
MISCELLANEOUS NO. 05018
MISCELLANEOUS NO. 05019
MISCELLANEOUS NO. 05020



"J. Dixon Esseks"
<jesseks@msn.com>
10/26/2005 12:51 AM

To "Jean Walker" <JWalker@ci.lincoln.ne.us>

cc

bcc

Subject Revised table of Lincoln Police Calls to blocks with the four
"reasonable accomodation" group homes

Jean,

With the other commissioners, please share this revised table (not the one I sent earlier this evening). I revised it just now, since in the first draft I had left out some houses on the relevant blocks of Hunts Drive and Timber Ridge Rd. that had no calls at all 2002 to Sept. 2005.

Police Chief Casady gave me data on all Lincoln Police Department calls to those blocks during that 3.75-year time period. He included more detailed information on the calls that were serious enough to result in incident reports.

I tried to summarize the data in the attached table. I'm sorry this message is arriving to you Wednesday AM. I got the materials at 1:30 this afternoon.



Dick LincolnPoliceCalls.doc

Lincoln Police Department Calls to Blocks Where Subject Properties Are Located: January 2002 to September 2005

Address	All calls 2002	All calls 2003	All calls 2004	All Calls 2005 to date	2002 calls serious enough for an incident report	2003 calls serious enough for an incident report	2004 calls serious enough for an incident report	2005 calls serious enough for an incident report
400 N Coddington	1	3	5	6	Parent did not provide child's birth certificate Juveniles fighting		Assault. Stranger reported.	Theft. Child custody complaint. Broken window. Suicide.
401 N Coddington	1	0	1	0	Theft from an auto.		vandalism	
409 N Coddington	0	0	0	0				
410 N Coddington	1	1	0	0	Roommate steals from roommate.			
416 N. Coddington	13	1	8	1	Missing adult. Attempted rape		Missing adult. Missing juvenile	Broken window
417 N. Coddington	2	0	0	3				
418 N. Coddington	19	2	3	3	Resident assaults two other residents Two cases of missing adults. One of vandalism	Client strikes victim	Missing adult	One adult and two juveniles reported missing.
423 N. Coddington	0	0	0	0				

Address	All calls 2002	All calls 2003	All calls 2004	All Calls 2005 to date	2002 calls serious enough for an incident report	2003 calls serious enough for an incident report	2004 calls serious enough for an incident report	2005 calls serious enough for an incident report
424 N. Coddington	2	8	5	4		Client assaults other client and threatens staff with knife. Missing adult. Officer threatened with knife	Three cases of missing adults	Missing adult located at 0545 hrs., Care giver did not pick up resident
425 N. Coddington	3	1	2	2				
426 N. Coddington	3	18	8	3	Vandalism. Ex-client grabbed female staff. Vandalism	Two missing adults. One case of vandalism	Assault with knife. 6 cases of missing adults	Vandalism
431 N. Coddington	0	0	0	1				
432 N. Coddington	0	0	0	0				
433 N. Coddington	2	0	1	0				
434 N. Coddington	0	1	0	1				Vandalism
439 N. Coddington	3	0	1	0				
441 N. Coddington	0	1	1	2				

Address	All calls 2002	All calls 2003	All calls 2004	All Calls 2005 to date	2002 calls serious enough for an incident report	2003 calls serious enough for an incident report	2004 calls serious enough for an incident report	2005 calls serious enough for an incident report
5500 Hunts Dr.	0	2	1	0				
5501 Hunts	0	0	0	0				
5506 Hunts	1	0	0	0	Vandalism			
5508 Hunts	0	0	0	0				
5509 Hunts	0	1	1	0				
5515 Hunts	0	1	0	0				
5516 Hunts	2	5	0	0		Client bites victim. Vandalism on same day		
5517 Hunts	0	0	0	1				
5524 Hunts	0	1	0	0				
5525 Hunts	0	0	0	0				
5532 Hunts	0	0	0	0				
5533 Hunts	0	1	1	1				
5540 Hunts	0	0	0	0				
5545 Hunts	0	0	0	0				
5550 Hunts	0	0	0	0				
5555 Hunts	0	0	0	0				
1600 Timber Ridge	2	2	0	0				
1610 Timber R	1	0	0	0				
1611 Timber R.	0	0	0	0				
1654 Timber R	1	0	0	0				
1655 Timber R	1	2	1	1				
1661 Timber Ridge	1	2	6	1			Two cases of missing persons	Punched victim twice and threw table at victim
1665 Timber	1	0	0	0				

Source: Lincoln Police Department, October 25, 2005

Do not Support Group Homes ^{less than} 5 away
From each other in Timber Ridge Neighbor

1. 1710 SW 36th
2. 1701 SW 36th
3. 1731 Timber Ridge Rd
4. 1721 Timber Ridge Rd
5. 1700 Timber Ridge Rd
6. 650 A SW 36th
7. 1855 Timber Ridge
8. 3510 West Plum
9. 3308 W. Rose
10. 1909 SW 36th
11. 1710 SW 33rd
12. 3324 W. Rose
13. 3316 W. Rose
14. 3250 W. SUMNER
15. 3421 W. PEARCE ST
16. 1931 TIMBER RIDGE RD
17. 3443 W GARFIELD
18. 1918 Timber Ridge
19. 1947 Timber Ridge Rd
20. 1701 Timber Ridge Rd
21. 1700 SW 33 Street

Wendy Burke
Charles L. Greenberg
Rose Linney
John Berry
Stephanie Stensen
Tyler Anderson
Chris Cashmere
Jason Wilkinson
Stephanie Clathorn
David C. Meier
Camp D. Mahoney
Jamil Oppgaard
Michael A. Fisher
Joe King
LENN MARSHALL
Kathy Weyers
Randa Brennan
Gary Brennan
Chad Sgro
Alfred L. Lacy
Jodi Zeller



Stephanie Siemsen
<msrrsiemensco@yahoo.com>

09/23/2005 04:51 PM

To JWalker@ci.lincoln.ne.us

cc

bcc

Subject Re: Reasonable Accommodation Requests: Miscellaneous
No. 05017, 05018, 05019 and 05020

How many times can somebody postpone a hearing? Did they postpone because of what happened to the little boy at LPS today at the hands of a group home member. Just another reason that we don't want another home in our neighborhood.

JWalker@ci.lincoln.ne.us wrote:

Dear interested party:

You have previously submitted comments to the Planning Commission on one or more "Requests for Reasonable Accommodation" filed by Developmental Services of Nebraska, which are scheduled for continued public hearing and action by the Planning Commission on Wed., September 28, 2005.

Please be advised that the applicant has today requested an additional continuance, and is requesting that on September 28th, the Planning Commission vote to defer the public hearings an additional two weeks until October 12, 2005. Anyone present on September 28th will be given an opportunity to testify if they so desire; however, the applicant does not plan to make a presentation until October 12th.

Please feel free to contact me if you have any questions.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365

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OPPOSITION

ITEM NO. 4.3: MISCELLANEOUS NO. 05018
(p.57 - Cont'd Public Hearing - 9/28/05)



"Neil Smith"
<neilsmith@alltel.net>
09/20/2005 05:51 PM

To <JWalker@ci.lincoln.ne.us>
cc
bcc

Subject Group Home @ 1661 Timber Ridge Rd - NO VOTE

As a homeowner in the Timber Ridge area, I am very concerned with the two existing "special care" facilities in this area. My daughter (age 13) already avoids walking alone near these homes. Please vote against the proposal to allow "Group Home" status at 1661 Timber Ridge. - Neil Smith [1520 Timber Ridge]

Marvin S Krout/Notes
09/19/2005 11:51 AM

To jwalker@ci.lincoln.ne.us@Notes
cc
bcc
Subject Fw: Zoning Sign

Please forward.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

— Forwarded by Marvin S Krout/Notes on 09/19/2005 11:53 AM —



"Martin, Gayla M"
<GMARTI2@amfam.com>
09/19/2005 10:24 AM

To <mkkrout@lincoln.ne.gov>
cc
Subject Zoning Sign

I live in the Timber Ridge neighborhood. 1633 Timber Ridge Rd is asking to be considered for the "group home" status.

I wish to state my opposition to this!

We live in a family neighborhood, not a commercial area. Please keep it that way. 1 group home is more than enough, as well as all the single family homes along Timber Ridge that are "rentals" with 5 (or more) college student living in them, parking along the very narrow street, making disturbances, running naked and drunk in our yards.

We have a family friendly community, we want to keep it that way.

Thanks for your consideration!

Gayla Martin
Jim Cox Agency, Inc.
Licensed Office Manager

If you do not want to receive future unsolicited commercial email advertisements or promotions from American Family Insurance you may [opt-out by clicking here](#)

Note: After opting-out, you may receive emails that you have specifically requested from American Family. If you are a current American Family customer you may still receive transactional emails regarding your existing policies or accounts with American Family. American Family Mutual Insurance Company and its affiliates utilize the PossibleNow DNESolution to administer this email opt-out process.



Gregory S Czaplewski/Notes
09/15/2005 08:12 AM

To Jean L Walker/Notes@Notes
cc
bcc

Subject Fw: another group home

— Forwarded by Gregory S Czaplewski/Notes on 09/15/2005 08:15 AM —



"Kim" <knelson@neb.rr.com>

09/14/2005 06:57 PM

To <gczaplewski@lincoln.ne.gov>
cc

Subject another group home

I was not able to attend the hearing today on the proposed zoning change to the home at 1661 Timber Ridge Rd.

The fact that this house has to me, "illegally" been used as a group home when another was 1/2 block away.. WITHOUT anyone's knowledge of such before hand was bad enough. But now, to have it permanently changed so that 2 group homes are in a neighborhood and in 1/2 block is the craziest thing I've ever heard~!!

The group home I live next to has residents with issues and the staff are worse than the residents at this point. I've called and voiced my concerns only to be told that the manager will make contact with me to resolve and NEVER once have I heard from him/her. They enter my backyard constantly without asking and in doing so have to reach over the top of the fence to unlatch, walk into my yard and retrieve dog toys, their dog has been allowed to use my backyard as her toilet on more than one occ. They pound on my front door thinking it is the group home, stop in my drive with their vehicle, throw trash in my yard.. to name a few things. And now you want a juevie group home on the same block?? With questionable staff working there on top of it. You people need to allow 2 group homes in your neighborhood and see how things go!!

I'm disgusted, frustrated and incredibly disappointed that the city even thinks of approving such a change!! Forget about the people living here, who own their homes, please!

The man who currently owns this home at 1661 Timber Ridge lied when he said he seeked and received neighbors ok with "renting" his home to the ACT group home.

Kim Nelson



"Jason Wilkinson"
<jason@wilkinson.nu>
09/14/2005 01:22 AM

To <gczaplewski@lincoln.ne.gov>, <plan@lincoln.ne.gov>
cc
bcc

Subject: Zoning Changes (1661 Timber Ridge Rd)

Good morning, Mr. Czaplewski. My name is Jason Wilkinson. I live at 3308 W. Rose St., here in Lincoln. I'd like to take a quick minute to weigh in on the proposed zoning changes scheduled for a hearing this afternoon. I believe that, as my house directly abuts one of the group homes that is going to be discussed, I'm able to speak with some bit of authority on the impact that these homes have had in our neighborhood.

As I stated above, my house sits directly behind the group home currently located at 1720 Timber Ridge Rd. I would like to voice my strong opposition to the proposed zoning changes that would allow the property located at 1661 Timber Ridge Rd to formally function as a group home, by waiving the rule that it cannot be located inside of a 1/2 mile radius of the previous home. Being a homeowner in the neighborhood, and a newly elected board member of the Timber Ridge Neighborhood Association, I can tell you that our lives are affected on a regular basis by the residents of these homes.

My wife and I have, on many occasions, driven into the neighborhood, only to encounter the residents of these homes loitering in the streets, sometimes showing violent tendencies and shouting at each other. We have seen many instances of the police being called to the residences. On one occasion, I witnessed one of the residents being locked out of his house. From what I could tell, it seemed as if it were being perpetrated as a joke by the other residents. The resident in question proceeded to become quite irate. He started pounding on the doors and the windows. He then disrobed and continued around the house while shouting obscenities until he finally decided to let himself back into the house by breaking out two very large windows. The police were called. This is one of the larger instances that we've seen.

On a much smaller scale, I often come home to find items littered across my back yard. These items include footballs, doggy chew toys, soccer balls, etc. No effort has ever been made to reclaim them, nor any effort made to apologize for the fact that I have to continually collect these items and return them over the fence while performing my yard work. I understand how miniscule this sounds. To me, however, it is an indication of the efforts being made by these residents to work with their neighbors to maintain harmony. Sometimes the smallest gestures can show that you're trying, and I've yet to see any such gestures.

I can tell you that, without a doubt, our property value is impacted by the presence of this home behind me. I can also tell you that with two such homes on the same street, many of my neighbors are more severely impacted than I. We understand that they must live somewhere, and we're fully prepared to coexist with one such home. Please help us to maintain the our neighborhood, our property values, and most importantly, our safety. Please take into consideration that my home is my single largest investment, and my family my first priority. Please listen to me and my neighbors. Please vote no on the proposed zoning changes for 1661 Timber Ridge Rd.

Most Sincerely,

Jason A. Wilkinson
3308 W. Rose St.
Lincoln, NE 68522



Shannon Cushman
<scushman@inetnebr.com>

09/13/2005 10:54 PM

To plan@lincoln.ne.gov, gczaplewski@lincoln.ne.gov

cc

bcc

Subject Miscellaneous No. 05018

There is only 200 to 225 feet of separation between the 1661 Timber Ridge Road and 1720 TRR houses.

Since the Lincoln Code calls for 1/2 mile separation (2640 feet), a distance of less than 264 feet would be less than 1/20 mile. Allowing a 1/20 mile separation would not be "reasonable accommodation." Reasonable accommodation might be to reduce the allowed separation to 1/4 mile.

The housing code was written for one or more reasons. If required separations are ignored instead of reasonably reduced, that will completely violate the original reasons the code was written that way.

If two group homes are allowed so close to each other, the burden that each group home places upon a neighborhood will then be concentrated in this area. I believe the code was written to make sure that the burdens were spread out more evenly instead of concentrated.

I have heard a rumor that if this variation were allowed, then DSN would have the right to continue buying houses in the neighborhood at will. If this is true, then what would protection would a neighborhood have from a high concentration of group homes?

Regards,
Shannon Cushman
1701 Timber Ridge Road
Lincoln, NE 68522



Stephanie Siemsen
<msrrsiemensco@yahoo.com>

To gczaplewski@lincoln.ne.gov, plan@lincoln.ne.gov

cc

09/13/2005 09:16 PM

bcc

Subject zoning for 1661 Timber Ridge Rd.

My name is Stephanie Siemsen and my family and I live at 1700 Timber Ridge Rd. in Lincoln. There are two "group homes" on my block. One at 1661 Timber Ridge and the other at 1720 Timber Ridge. (Basically one is across the street and one two houses down - less than 250 ft. away). The home at 1661 has not technically been considered a group home as they are only housing three individuals at this time, however they are attempting to obtain a waiver to change the zoning laws which would allow them to add another resident and make it an official group home.

My family as well as some others within in the neighborhood are very concerned about allowing this waiver to pass for a number of reasons, some of which I have listed below.

1) There have been numerous problems in the past with the two group homes on this street. Several calls have been made to the police department requesting assistance with problems occurring in this neighborhood by the individuals in these homes. I will be obtaining exact numbers and incidents through the public records department at the Lincoln Police Department tomorrow.

2) The individuals in these homes are not watched as closely as they should be. I myself have had several instances where an individual from one of these homes has come into my garage or on my property with no supervision. This a cause of great concern for me as I have two children under the age of two. If these individuals are not being supervised as they should be, who is to say that what happened in Capital Beach will not happen again in our neighborhood.

3) Two group homes within a block of one another is of great concern because they are interacting with one another, with lack of supervision, in a neighborhood with several

children in it. If they are allowed to walk back and forth between the two homes with no supervision it could in fact pose a threat to the neighborhood.

4) A "group home" is considered to be a home of 4 to 15 individuals. Who is to say that either of these homes will not add additional individuals, thereby causing additional concern for their neighbors.

5) If this waiver passes,

what will limit the number of group homes that will be allowed in the neighborhood. Will they be allowed to add other homes within the half mile area?

Basically, what it comes down to is that I don't feel safe in my own home. I have witnessed several incidents of resident anger and acting out, and yes have called the police to the homes several times. I don't ever leave my front door unlocked, my garage door open, and certainly would never leave my children out front unsupervised. My husband and I have even went so far as to put a lock on our fence from the inside because we have witnessed group home residents "helping themselves" to our neighbors backyards.

To add another resident to this home would be a detriment to our neighborhood. Already having to homes in the neighborhood is a problem, but to allow more individuals to be added is just asking for trouble. Please understand my concerns and deny this "reasonable accommodation" request.

OPPOSITION

ITEM NO. 3.3: MISCELLANEOUS NO. 05017

MISCELLANEOUS NO. 05018

MISCELLANEOUS NO. 05020

(p.49, 57 & 73 → Public Hearing - 9/14/05)

To plan@lincoln.ne.gov

cc

bcc

Subject Group home zoning hearing Sept. 14



MLOborny@aol.com

09/13/2005 02:34 PM

I am concerned about the rezonings being requested to allow group homes within 1/2 mile of each other. On the 400 block of N. Coddington there are two residences two doors from each other requesting such a rezoning. One of these was

the home of one man who stabbed a neighborhood child not long ago. In the last 14 months 5 homes have been sold on that 300 to 400 block. At present there are 6 more homes up for sale at the same time. It would appear that the current

status of the two homes is already having an impact on the neighborhood. I am opposed to allowing these two homes to be rezoned for group home status, especially since they are only two doors from each other. I also oppose the establishment of a group home at 1661 Timber Ridge Rd., misc. # 05018. I don't want

"For Sale" signs to be popping up there, spelling the decline of the stability of the neighborhood. Marilyn Oborny, 1500 SW 40th St. Lincoln



Stephanie Siemsen
<msrrsiemensco@yahoo.com>

>

09/05/2005 03:02 PM

To plan@lincoln.ne.gov, Matt Siemsen
<matthew.siemsen@nelinc.ang.af.mil>, jazz@neb.rr.com

cc

bcc

Subject Fwd: News Question

To whom it may concern:

My name is Stephanie Siemsen and my family and I live at 1700 Timber Ridge Road. Currently there is a zoning request for 1661 Timber Ridge Rd. to become an official "group home". My family as well as other neighbors are very concerned with this request. I have attached a letter that I have forwarded to Channel 8 requesting news coverage on this application. I wanted you to be aware of this as well as understand our concern with this zoning application. If you would like to contact me regarding this please feel free to do so. I can be reached at 402-730-6813. Thank you.

Sincerely,

Stephanie L. Siemsen

Note: forwarded message attached.

----- Message from Stephanie Siemsen <msrrsiemensco@yahoo.com> on Mon, 5 Sep 2005 11:31:16 -0700 (PDT) -----

To: 8@klkntv.com, jazz@neb.rr.com, Matt Siemsen
<matthew.siemsen@nelinc.ang.af.mil>

Subject: News Question

Good afternoon.

My name is Stephanie Siemsen and my family and I live at 1700 Timber Ridge Rd. in Lincoln. I have a concern with something that is being allowed to happen in our neighborhood, and would like to see if we could receive any news coverage on it to see if it is being allowed to happen in other neighborhoods around the Lincoln Community as well.

There are two "group homes" on my block. One at 1661 Timber Ridge and the other at 1720 Timber Ridge. (Basically one is across the street and one two houses down). The home at 1661 has not technically been considered a group home as they are only housing three individuals at this time, however they are attempting to obtain a waiver to change the zoning laws which would allow them to add another resident and make it an official group home.

My family as well as some others within in the neighborhood are very concerned about allowing this waiver to pass for a number of reasons, some of which I have listed below.

1) There have been numerous problems in the past with the two group homes on this street. Several calls have been made to the police department requesting assistance with problems

occurring in this neighborhood by the individuals in these homes. I will be obtaining exact numbers and incidents through the public records department at the Lincoln Police Department tomorrow.

2) The individuals in these homes are not watched as closely as they should be. I myself have had several instances where an individual from one of these homes has come into my garage or on my property with no supervision. This a cause of great concern for me as I have two children under the age of two. If these individuals are not being supervised as they should be, who is to say that what happened in Capital Beach will not happen again in our neighborhood.

3) Two group homes within a block of one another is of great concern because they are interacting with one another, with lack of supervision, in a neighborhood with several children in it. If they are allowed to walk back and forth between the two homes with no supervision it could in fact pose a threat to the neighborhood.

4) A "group home" is considered to be a home of 4 to 15 individuals. Who is to say that either of these homes will not add additional individuals, thereby causing additional concern for their neighbors.

5) If this waiver passes, what will limit the number of group homes that will be allowed in the neighborhood. Will they be allowed to add other homes within the half mile area?

As you can see I have a number of concerns and would like to voice them to the community. I don't know if Channel 8 allows this type of news to air but if so, I would like to speak to someone a little more about it. I am aware that Jon Wofford lives on Timber Ridge Rd., and might have a vested interest in this information as well, however I do not know his point of view on this subject.

If you are interested in this information, I can be contacted at 402-730-6813 or my husband Matthew can be reached at 402-770-0893.

Thank you for taking the time to listen, and I look forward to hearing from you soon.

Sincerely,

Stephanie L. Siemsen



"Bill Vocasek"
<bvocasek@neb.rr.com>
09/04/2005 10:24 AM

To <plan@lincoln.ne.gov>
cc
bcc

Subject RE: MISCELLANEOUS NO. 05018

On behalf of not only the West A Neighborhood Association but also the entire City of Lincoln, I must strongly voice my concerns. I have set in on many of the meetings regarding the group home issue. I understand that they are needed, however the spacing issue has been discussed at length and concerns have been voiced. We as a community had set the spacing requirements and I think we should follow them. In regard to the 1661 Timber Ridge Road, we already had 2 group homes in the Timber Ridge area and the staff had attended one of our monthly meetings. The neighbors have contacted the police in the past and had many problems, they had also contacted myself and I had visited with our Councilman and also the Captain of the Southwest Team of the Lincoln Police Department. I am not sure if the applicant and the current group home provider in Timber Ridge are the same. I do know that after visiting with the manager of the group home in our area we did not receive any satisfaction. I will be unable to attend the Planning Commission meeting due to other obligations but I strongly encourage you to not waiver from the spacing requirements and maintain the quality of the neighborhoods throughout the City. Thank You for allowing us to be a part in the decision making process.